

ORDINANCE NO. _____

1 AN ORDINANCE amending Section Title 27 of the Lincoln Municipal Code to
2 allow outdoor dining, when associated with a restaurant, in the front yard of the O-3, B-1, B-2, B-3,
3 B-4, B-5, H-1, H-2, H-3, H-4, I-1, I-2 and I-3 zoning districts by amending Chapter 27.03, General
4 Definitions, to add a new section numbered 27.03.471 to add a definition for “outdoor dining”;
5 amending Section 27.27.070 to require the entire front yard to be landscaped, except for necessary
6 paving of walkways and driveways to reach parking and loading areas, provided that any driveway
7 in the front yard shall be substantially perpendicular to the street and shall not be wider than thirty
8 feet; amending Section 27.67.030 regarding general parking conditions to exempt outdoor dining
9 off-street parking requirements; amending Section 27.71.030 to add the O-3 district to districts
10 where driveways are conditionally permitted within the required front and side yards; amending
11 Section 27.71.100 regarding patios and paved terraces in front yards; amending Section 27.71.115
12 to allow canopies in the front yard in the O-3, B-3, B-5, H-4, I-2 and I-3 districts; adding a new
13 section numbered 27.71.270 to provide height and area regulations for outdoor dining; and repealing
14 Sections 27.27.070, 27.67.030, 27.71.030, 27.71.100, and 27.71.115 of the Lincoln Municipal Code
15 as hitherto existing.

16 BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

17 Section 1. That Chapter 27.03 of the Lincoln Municipal Code be amended by adding
18 a new section numbered 27.03.471 to read as follows:

19 **27.03.471 Outdoor Dining.**

20 Outdoor dining shall mean an open area for dining when associated with a restaurant in
21 which tables and seats are covered or uncovered by individual umbrellas or canopies (no tents or
22 other types of temporary structures).

Section 2. That Section 27.27.070 of the Lincoln Municipal Code be amended to read as follows:

27.27.070 Height and Area Regulations.

Minimum area for the establishment of this district is two acres. The maximum height and minimum lot requirements within the O-3 Office Park District shall be as follows:

(a) General requirements:

Table 27.27.070(a)						
	Lot Area (Sq. ft.)	Frontage	Req'd Front Yard	Req'd Side Yard	Req'd Rear Yard	Height
Dwelling, single family	4,000	50'	30'	15' or the same	40'	35'
Dwelling, two-family	4,000	50'	30'	as the	40'	35'
Dwelling, multiple	1,500 per unit	50'	30'	abutting district	40'	35'
Other Permitted Uses	4,000	50'	20'	whichever is greater	40'	45'
Townhouses	2,500 per unit	20'	30'	0' or 10' on non- party wall side	40'	35'

(b) There shall be a required front yard on each street side of a double-frontage lot;

(c) There shall be a required front yard on each street side of a corner lot; provided, however, that the buildable width of a lot of record on November 2, 1953, need not be reduced to

1 less than thirty-five feet except where necessary to provide a required side yard of not less than five
2 feet in place of one of the required front yards;

3 (d) The entire front yard shall be entirely landscaped, except for necessary paving of
4 walkways and driveways to reach parking and loading areas, provided that any driveway in the front
5 yard shall be substantially perpendicular to the street and shall not be wider than thirty feet.

6 ~~(d)~~ (e) Open space requirements for residential use: A minimum amount of usable and
7 accessible open space must be provided for each residential use. This requirement shall be as
8 follows:

9 125 square feet for the first dwelling unit;

10 80 square feet per unit for the next four dwelling units;

11 25 square feet per unit for the next four dwelling units;

12 20 square feet per unit for each additional dwelling unit beyond nine.

13 This open space requirement may be met in the following manner:

14 (1) The required rear yard may be counted; however, the required front and side
15 yards may not be counted toward fulfillment of said open space requirement; except for porches,
16 terraces, and balconies as permitted in Sections 27.71.100 and 27.71.110;

17 (2) Parking spaces and land occupied by any building or structure may not be
18 counted toward fulfillment of this open space requirement;

19 (3) This required open space may be provided either on a balcony four or more
20 feet in depth or on a rooftop, provided that the roof is designed and surfaced in such a manner that
21 it may be developed with areas of planting, open space, recreation, and other uses that are consistent
22 with similar uses in ground-level side and rear yards for dwellings. Such rooftop areas may not be
23 occupied by structures such as vents, exhaust intakes, or other mechanical devices, except where
24 they do not interfere with the usable nature of the open space;

25 (4) The depth-to-width ratio of any area used to fulfill the open space requirement
26 may not exceed three to one if the smallest dimension of the open space is twelve feet or less.

1 ~~(e)~~ (f) Accessory buildings which are attached to or located not more than ten feet from the
2 main structure shall be considered a part of the main structure and shall comply with the height, and
3 front, side, and rear yard requirements of the main structure. Accessory buildings not a part of the
4 main structure may be located in the required rear yard if such yard does not abut a residential
5 district, but such accessory buildings may not occupy more than thirty percent of the required rear
6 yard and shall not be nearer than two feet to any side or rear lot line. Such detached accessory
7 buildings shall not exceed fifteen feet in height. Accessory buildings not a part of the main
8 structure, if located not less than sixty feet from the front lot line, may extend into the required side
9 yard though not nearer than two feet to the side lot line. A garage which is entered from an alley
10 shall not be located closer than ten feet to the alley line.

11 Section 3. That Section 27.67.030 of the Lincoln Municipal Code be amended to
12 read as follows:

13 **27.67.030 General Conditions.**

14 The following general conditions shall apply, except as otherwise modified in this title:

15 (a) No parking space is permitted in the required front yard in any district except as
16 follows:

17 (1) Parking lots, parking areas, and driving aisles in the front yard are permitted in
18 the B-1, B-3, H-1, H-2, and H-3 zoning district, except in the front six feet which shall be entirely
19 devoted to landscaping in accordance with parking lot design standards except for the necessary
20 paving of walkways and driveways to reach parking and loading areas, and provided that any
21 driveways in the front yard shall be substantially perpendicular to the street. The front six feet
22 landscape area shall only apply to lots that have an average lot depth of 150 feet or more. On corner
23 lots the front six feet landscape area shall be required along each street unless the distance between
24 the street right-of-way and the opposite lot line is less than 150 feet; and

25 (2) Parking in the front yard is permitted in the R-1, R-2, R-3, and R-4 zoning
26 districts for passenger cars, pickup trucks, or vans outside of an enclosed structure on a concrete
27 driveway or its equivalent under the following conditions:

1 (i) The width of such parking area shall not exceed thirty-five percent of the
2 width of the front yard;

3 (ii) The parking area shall be not less than two feet from and parallel to the
4 side lot line and not less than two feet from the front property line.

5 (b) No parking space is permitted in the required side yard in any district except as
6 otherwise provided in this chapter.

7 (c) Parking spaces are permitted in any required rear yard.

8 (d) All required parking spaces shall be provided on the same lot as the use for which
9 they are required.

10 (e) Any parking requirement resulting in a partial parking space shall be rounded up to
11 the next whole number.

12 (f) Where additional parking is required by this chapter due to a change in use and
13 provision for such additional parking is not made, a special review and approval shall be required
14 by the City Council.

15 (g) For single-family dwellings and two-family dwellings in the R-1, R-2, R-3 and R-4
16 zoning districts, the required parking spaces may be stacked front-to-back, one vehicle deep.

17 (h) No parking space is required for the area of outdoor dining.

18 Section 4. That Section 27.71.030 of the Lincoln Municipal Code be amended to
19 read as follows:

20 **27.71.030 Front and Side Yards; Driveways.**

21 A driveway shall be permitted within the required front and side yards only if the driveway
22 provides a connection to a parking space that is or will be located as permitted in this title, provided
23 that in the O-2, O-3, B-2, B-5, H-4, I-1, I-2, and I-3 districts the driveway shall be substantially
24 perpendicular to the street and shall not be wider than thirty feet. Vehicle stacking for drive-in
25 facilities shall be permitted within the required side yard if such side yard does not abut a residential
26 district.

1 Section 5. That Section 27.71.100 of the Lincoln Municipal Code be amended to
2 read as follows:

3 **27.71.100 Porches, Balconies, Patios, and Terraces in Front Yards.**

4 An open, unenclosed porch may project into a required front yard for a distance not
5 exceeding ten feet; provided, however, such porches on residences in the R-1, R-2, R-3, R-4, R-5,
6 R-6, R-7 and R-8 zoning districts which project into the required front yard no closer than ten feet
7 from the street line may be enclosed under the following conditions:

8 (a) The enclosed porch shall not be served by a heating system, cooling system, or
9 plumbing;

10 (b) At least forty percent of the other residences on the same frontage in the same zoning
11 district extend into the required front yard a distance equal to or greater than the applicant's porch
12 (for the purpose of this section, extensions into the front yard may be a porch, balcony, vestibule,
13 or the main part of the building);

14 (c) The applicant's porch shall not be located within any building line district; and

15 (d) At least fifty percent of each exterior wall shall be transparent.

16 ~~Balconies, patios, and paved terraces~~ may project into a required front yard for a distance
17 not exceeding six feet. In the B-1, B-3, B-4, H-1, H-2 and H-3 zoning districts, patios and paved
18 terraces may project into a required front yard. In the O-3, B-2, B-5, H-4, I-1 I-2 and I-3 zoning
19 districts, patios and paved terraces may project into a required front yard for a distance not to exceed
20 fifteen (15) feet. An enclosed vestibule containing not more than forty square feet may project into
21 a required front yard for a distance not to exceed four feet. This section shall not be interpreted as
22 establishing a different required front yard in that district, nor shall this section be used to adjust
23 front yard setbacks under Section 27.71.170 of this ordinance.

24 Section 6. That Section 27.71.115 of the Lincoln Municipal Code be amended to
25 read as follows:

1 **27.71.115 Canopies in Front Yard.**

2 In O-3, B-1, B-2, B-3, B-4, B-5, H-1, H-2, H-3, H-4, B-3 and I-1, I-2 and I-3 zoning
3 districts, canopies may project into a required front yard; provided, that a five foot setback shall be
4 maintained from the property line, and such canopies shall not cover more than six square feet of
5 ground area per each foot of frontage, and no portion of the canopy shall be lower than nine feet
6 above grade.

7 ~~In B-2 zoning districts, canopies may only project into the required front yard when the size~~
8 ~~and location of such canopies are approved as part of the use permit.~~

9 Section 7. That Chapter 27.71 of the Lincoln Municipal Code be amended by adding
10 a new section numbered 27.71.270 to read as follows:

11 **27.71.270 Outdoor Dining.**

12 Outdoor dining is permitted in the O-3, B-1, B-2, B-3, B-4, B-5, H-1, H-2, H-3, H-4, I-1, I-2,
13 and I-3 zoning districts. In the B-1, B-3, B-4, H-1, H-2 and H-3 zoning districts outdoor dining is
14 permitted in the required front yard. In the O-3, B-2, B-5, H-4, I-1, I-2 and I-3 zoning districts,
15 outdoor dining is permitted in the required front yard; provided, that a five foot setback shall be
16 maintained from the property line. No outdoor dining is permitted in any side or rear yard.

17 Section 8. That Sections 27.27.070, 27.67.030, 27.71.030, 27.71.100, and 27.71.115
18 of the Lincoln Municipal Code as hitherto existing be and the same are hereby repealed.

19 Section 9. That this ordinance shall take effect and be in force from and after its
20 passage and publication according to law.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ____ day of _____, 2006:

Mayor